

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JIMMIE HARDAWAY, JR.,
LARRY A. BOYD,
FIREARMS POLICY COALITION, INC.,
SECOND AMENDMENT FOUNDATION,

Plaintiffs,

vs.

KEVIN P. BRUEN, in his official capacity as
Superintendent of the New York State Police,
BRIAN D. SEAMAN, in his official capacity
as District Attorney for the County of
Niagara, New York, and
JOHN J. FLYNN, in his official capacity as
District Attorney for the County of Erie, New
York,

Defendants.

State of New York)
County of Erie) s.s.:
City of Buffalo)

Brian P. Crosby, Esq., being duly sworn, deposes and states as follows:

1. I am an attorney duly licensed to practice law in the Courts of the State of New York, and I am admitted to practice before the United States District Court for the Western District of New York. I am a partner with the law firm of Gibson, McAskill & Crosby, LLP, co-counsel with Niagara County Attorney Claude A. Joerg, Esq. for defendant, Brian D. Seaman, in his official capacity as District Attorney for the County of Niagara, New York (hereinafter referred to as "District Attorney Seaman").

AFFIDAVIT

Civil Action No.:
1:22-cv-00771-JLS

2. I submit this affidavit, together with the affidavit of Niagara County Attorney Claude A. Joerg, Esq., sworn to October 19, 2022 (hereinafter referred to as the “Joerg Affidavit”), setting forth the position of District Attorney Seaman as required by this Court. [Docket No. 11].

3. As is clear from the Joerg Affidavit, District Attorney Seaman does not oppose entry of a temporary restraining order for the purpose of furthering a judicial determination as to the constitutionality of New York Penal Law § 265.01-e(2)(c)(places of worship).

s/ Brian P. Crosby
Brian P. Crosby, Esq.

Sworn to before me
this 19th day of October, 2022.

s/ Melissa M. Morton
Notary Public

MELISSA M. MORTON Notary Public, State of New York Qualified in Erie County My Commission Expires April 14, 2024
